

REMARKS

The application has been amended to correct minor informalities so as to place the application, as a whole, into a prima facie condition for allowance. Great care has been taken to avoid the introduction of new subject matter into the application as the result of the foregoing modifications.

In the Office Action dated July 27, 2006, the Examiner rejected Claims 2-5, 8-10, 16 and 20 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and simply claim the subject matter which Applicant regards as the invention. Specifically, the Examiner states with respect to Claim 2, line 3, it is unclear to what plate the applicant has referred. Accordingly, Applicant has amended Claim 2 to further clarify that the plate in question is indeed the “elongated base plate.”

With respect to Claim 8, the Examiner states that the applicant has positively recited the scaffolding having a bore. The Examiner states that since the scaffolding is not part of the support member, its relationship to the tube body will not be given any patentable weight. Accordingly, as the limitation of Claim 8 is not given any patentable weight, Applicant has amended Claim 8 to include the additional limitation of the body of the sleeve being provided with a supplemental opening as described in the specification and shown in the figures.

With respect to Claim 16, the Examiner states that there appears to be no drawing showing a homogeneous base plate and plate. Accordingly, Applicant submits herewith a Figure 5 which shows the plate and base plate being one piece. Support for this Figure can be found in Claim 16 as originally submitted.

With respect to Claim 20, the Examiner states that there appears to be no drawings or representation showing the base plate having an elevated center surface. Accordingly, Applicant has deleted Claim 20 and have added Claim 21 to clarify the claimed subject matter, namely the scaffolding leg receiving means journaled to the hinged plate as shown in Figs. 3 and 4, and described in the specification.

Accordingly, as Applicant has amended Claims 2, 8, 16 and 20, Applicant respectfully requests the Examiner grant reconsideration to Claims 2-5, 8-10, 16 and 20, withdraw the rejection under 35 U.S.C. §112, and pass these claims on to allowance.

The Examiner has rejected Claims 1-7, 11 and 12 under 35 U.S.C. §102(b) as being anticipated by Reichel, U.S. Letters Patent No. 5,647,451. The Examiner has also rejected Claims 1, 6, 7, 11-13 and 16 under 35 U.S.C. §102(b) as being anticipated by Van Herpen, U.S. Letters Patent No. 5,909,483. The Examiner has also rejected Claims 8-10, 14 and 15 under 35 U.S.C. §103(a) as being unpatentable over Van Herpen as applied to Claims 1, 6, 7, 11-13 and 16, and further in view of Palmer, U.S. Letters Patent No. 5,718,305. Accordingly, Applicant has amended Claim 1 and has added additional independent Claims 21 and 22, and dependent claims 23-26, to further differentiate Applicant's invention over the cited references of Reichel, Van Herpen, and Palmer. Namely, Claims 1 and 22 are limited to a sleeve configured to receive a roof scaffolding in a substantially coaxial orientation, and Claim 21 is limited to a support member with means for receiving at least one leg of a roof scaffolding, wherein the means is journaled to the hinged plate. Accordingly, Applicant's newly amended independent claims patentably distinguish over the cited prior art. The invention of Applicant's newly amended claims not only teaches away from the prior art, but renders the cited prior art inventions useless for their intended purpose. If the scaffolding of the cited prior art was secured coaxial to the

upper legs of either the Reichel or Van Herpen devices, as opposed to the orthogonal securement described in both references, the Reichel and Van Herpen devices would be useless for their intended purpose. Applicant respectfully submits that newly amended Claim 1, as well as Claims 2-16 depended therefrom, and newly added independent Claims 21 and 22, as well as Claims 23-26 dependent therefrom, now patentably distinguish over the cited prior art. Accordingly, Applicant respectfully requests reconsideration be granted to Claims 1-16, previously allowed Claims 17-19 and new claims 21-26 be passed to allowance at this time.

The Examiner is respectfully urged to call the undersigned at 515-288-9263 to discuss the claims in an effort to reach a mutual agreement with respect to claim limitations in the present application which will be effective to define the patentable subject matter of the present invention if the present claims are not deemed to be adequate for this purpose.

Respectfully submitted,

By 

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